



with  
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# PUBLIC DEFENDER

## Beware! Scam numbers jump

REPORTS of unsolicited mail scams and fraud have doubled in Victoria, with more than 230 complaints being made so far this year.

Between January and May last year there were 115 reports made to Consumer Affairs Victoria about unsolicited mail scams and telemarketing fraud.

Nigerian scams, where victims are promised huge rewards if they transfer money or provide bank details, are among the most common tricks doing the rounds this year.

In another cheque over-payment scam victims are tricked into refunding money that has not been cleared.

Retirees Geoff and Margaret Perdriau are among those targeted recently.

Last week, the Melbourne couple received a personally addressed letter purporting to be from a Spanish barrister and offering a share of a \$US8.5 million inheritance.

"I got your contact information through the Australia public records while searching for the last name similar to my late client,"

Wes Hosking

the letter states. The scammer asks the recipients to contact him, likely with the aim of then requesting a payment or personal information.

"I have never had one before, but I have heard of them and I know people get sucked in," Mrs Perdriau said.

"I think some people would be taken in by it."

Mr and Mrs Perdriau said their details might have come from the telephone book.

"I was so cross about it and wanted to alert other people," Mr Perdriau said.

A Consumer Affairs spokeswoman warned people to be wary.

"If you receive unsolicited mail requesting your personal details or an upfront payment, always ask yourself, could this be a scam?" she said.

"These could come in the form of an offer, a pre-approved credit card, loan application or fabulous prize or holiday."

To report a scam, phone 1300 558 181.



Wary: Margaret and Geoff Perdriau were on the receiving end of a mail scam, inset.

### HOW TO AVOID BECOMING A VICTIM

- Never send money or give credit card or bank details to someone you don't know and trust.

- Remember, once you send money it can be very difficult to get it back.

- Be sceptical and mindful that not every offer made through the post is genuine.

- Even if an offer looks enticing, it could be a scam.

Source: CONSUMER AFFAIRS VICTORIA

## Planking silly on the job

ANDREW DIMSEY



PRINCIPAL LAWYER, MAURICE BLACKBURN

HARMLESS fun or skylarking with tragic consequences?

Whatever you like to call it, planking has certainly caught the imagination of many people.

For those who have not caught up with the craze, planking is when someone lies down in rigid fashion, normally in a public place.

The more bizarre or daring the location, the more appealing it is.

Photos are posted on social networking sites.

After the death of a Brisbane man, authorities have called for a crackdown, particularly in the workplace.

Some workers have lost their jobs for planking.

Employers said workers put their own safety and that of customers at risk and were in clear breach of workplace health and safety rules.

In England workers who played this lying-down game were suspended from duty but not sacked.

Should it be legal to sack someone for planking?

It does have the potential to be a health and safety issue, but the consequences would depend on the kind of working environment.

Some workers may be forbidden from taking photographs at work, which is a key part of the fad, and this could be part of the reason for instant dismissal.

Legal information is general in nature and is not to be regarded as legal advice from Maurice Blackburn.

NEED LEGAL ADVICE?  
BLOG NOON-1PM  
[heraldsun.com.au/opinion](http://heraldsun.com.au/opinion)

**Q** IN January my neighbour had our boundary fence replaced without any verbal or written notification.

Two months ago we were sent a bill demanding \$1000.

We rang and told the man we knew nothing about the fence nor did we see any quotes.

What are our legal rights here? The neighbour is threatening us with a debt collector if we don't pay.

Angela v. Raay,  
Blind Bight

**A** YOUR neighbour may not be able to claim a contribution towards construction of the fence.

The Fences Act provides that if a person wishes to

**qa YOUR QUESTIONS ANSWERED**

**HOUSEHOLD HASSLES**

compel another to contribute to the construction of a dividing fence, then they may serve a "notice to fence".

This needs to be in writing and must specify the boundary to be fenced, contain a proposal for fencing the boundary and specify the kind of fence to be built.

A fencing quote would

normally be sufficient. As your neighbour failed to give such notice or quotes, he would have to make an application to the Magistrates' Court and explain why he did not serve a notice and prove the fence is at a reasonable cost.

The magistrate will determine the matter.

Answers by Maurice Blackburn.

### COMPLAINT OF THE WEEK

**Q** IN November last year I purchased a \$1300 queen-sized mattress with a 10-year warranty. From the outset it felt higher and firmer.

I turned the mattress to address discomfort but now both sides are concave and uncomfortable.

After a fax and three phone calls the salesman visited but said there was nothing wrong with it and that it was my fault for making a "bad selection". Is there some action I can take?

Greta Radnetter,  
Lynbrook

**A** AS you purchased the mattress last year, the implied warranty provisions under the Fair Trading Act apply.

Consumer Affairs Victoria advises the mattress must be reasonably fit for its purpose. You have a right to a refund from a trader if the product is not.

The implied warranty of merchantability applies in addition to any manufacturer's warranty.

You may wish to have the matter conciliated by Consumer Affairs or apply to VCAT.

**If you have to fight the system, don't fight it on your own.**

**Maurice Blackburn Lawyers**

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